

MAR 15 2007

<b>FACSIMILE TRANSMITTAL FORM</b>	Application Number	10/810958
	Confirmation Number	9828
	Filing Date	March 26, 2004
	First Named Inventor	Henderson, Christopher P.
	Examiner Name	Nihir B. Patel
Fax: 571-273-8300	Attorney Docket Number	59698US002
Total Number of Pages In This Submission: 3		
Date: March 15, 2007	Attorney for Applicant: Karl G. Hanson/smd	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amendment Transmittal	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosures: Response Following Interview
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR § 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts under 35 USC 371 in US Designated/ Elected Office (DO/EO/US)	<input type="checkbox"/> Request for Refund  <input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	
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Patent  
Case No.: 59698US002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HENDERSON, CHRISTOPHER P.  
Application No.: 10/810958 Confirmation No.: 9828  
Filed: March 26, 2004  
Title: NON-ELASTOMERIC RESPIRATOR MASK THAT HAS DEFORMABLE CHEEK PORTIONS

RESPONSE FOLLOWING INTERVIEW

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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I hereby certify that this correspondence is being:	
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<input checked="" type="checkbox"/>	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
March 15, 2007 Date	 Signed by: Susan M. Dicks

Dear Sir:

On February 23, 2007, a personal interview was conducted between applicants' attorney, Karl G. Hanson and Examiner Nihir B. Patel.

At the interview, applicants' attorney indicated that he would amend the definition of "mask body" to further distinguish the present invention from U.S. Patent 4,960,121 to Nelson. Upon further review of this definition and the disclosure in Nelson, applicants' attorney has decided that there is no need to amend the definition of mask body to overcome the anticipation rejection under 35 USC § 102(b).

At the interview, it was the Examiner's position that Nelson's hard shell 12 could be considered to be a mask body and thus meet the limitations of element (a) of applicants' claimed invention. Regardless of whether the term "mask body" as presently defined can be appropriately read on the rigid insert of 12 of Nelson, applicants have noticed that they have further limitations in their respiratory mask body "element (a)" of claim 1 to distinguish over Nelson. Element (a)

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a force is exerted on the nose and chin portions." The hard shell 12 described in Nelson would not be able to provide for such rotational movement. Because Nelson's half-mask assembly has a hard shell 12, its mask body does not lack a rigid insert. Nelson's mask body also has an elastomeric face seal 14. As such, Nelson's mask body is not non-elastomeric. Finally, Nelson's mask body cannot be deformed to provide rotational movement of the cheek portions about an axis.

For these reasons, applicants believe that the Section 102 rejection cannot be properly sustained under the present definition of mask body.

Applicants also believe that the outstanding obviousness rejection also cannot be sustained for the reasons presented in the Amendment mailed February 15, 2007.


To the extent necessary, applicants petition for an extension of time. Please charge the fee for such extension to Deposit Account No. 13-3723.

Respectfully submitted,

March 15, 2007

Date

By:

  
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